

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA
7

* * *

8 CHAMPERY RENTAL REO, LLC,

Case No. 3:17-cv-00162-MMD-WGC

9 Plaintiff,

ORDER

10 v.

11 RAE NOLA EDWARDS; FEDERAL
12 NATIONAL MORTGAGE ASSOCIATION;
13 QUALITY LOAN SERVICE
14 CORPORATION; KERN & ASSOCIATES,
15 LTD.; SPRINGLAND VILLAGE
16 HOMEOWNERS ASSOCIATION; All other
persons unknown claiming any right, title,
estate, lien or interest in the real property
described in the Complaint adverse to
Plaintiff's ownership, or any cloud upon
Plaintiff's title thereto; DOES I through V;
and ROE Corporations I through V,

17 Defendants.

18 FEDERAL NATIONAL MORTGAGE
19 ASSOCIATION,

20 Counterclaimant,

21 v.

22 CHAMPERY RENTAL REO LLC,

23 Counter-Defendant.
24


25 On September 19, 2017, Plaintiff Champery Rental REO LLC ("Champery") filed
26 an Amended Complaint (ECF No. 39) to reflect the substitution of former Plaintiff Hollyvale
27 Rental Holdings LLC ("Hollyvale") and former Defendant Rae Nola Edwards. However,
28 the Amended Complaint also added two new parties as defendants—Kern & Associates

1 Ltd. ("Kern") and Springland Village Homeowners Association ("Springland")—without
2 leave of Court as is required under Federal Rule of Civil Procedure 15(a)(2). While the
3 Court had permitted substitution of Plaintiff Champery for Hollyvale (ECF No. 38) and
4 substitution of Defendant Unknown Heirs of Rae Nola Edwards ("Unknown Heirs") for Rae
5 Nola Edwards (ECF No. 25), it did not permit the addition of new defendants. Therefore,
6 the Court will strike Champery's Amended Complaint (ECF No. 39) with leave for
7 Champery to file a second amended complaint to reflect the substitution of Champery and
8 Unknown Heirs. In light of these substitutions, the Court denies former Plaintiff Hollyvale's
9 Motion to Remand (ECF No. 17) without prejudice, as that motion failed to address the
10 citizenship of Champery¹ or whether and how the Court should consider the citizenship of
11 Unknown Heirs in its analysis of jurisdiction.²

12 It is therefore ordered that Hollyvale's Motion to Remand (ECF No. 17) is denied
13 without prejudice. Champery may file a new motion to remand within seven (7) days of
14 this order.

15 The Clerk is instructed to strike Champery's Amended Complaint (ECF No. 39).
16 Champery must file a second amended complaint omitting the added parties—Kern and
17 Springland—and including only the substituted parties—Champery and Unknown Heirs—
18 within seven (7) days of this order. Failure to file a second amended complaint within that
19 time will result in dismissal of this case.

20 DATED this 27th day of October 2017.

21
22 
23 MIRANDA DU
24 UNITED STATES DISTRICT JUDGE

25 ¹An LLC is a citizen of every state of which its owners/members are citizens.
26 *Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006).

27 ²It is unclear whether Unknown Heirs constitute "fictitious defendants" for purposes
28 of determining diversity jurisdiction. See 28 U.S.C. § 1441(b)(1) ("In determining whether
a civil action is removable on the basis of [diversity jurisdiction], the citizenship of
defendants sued under fictitious names shall be disregarded.")